

June 26, 2003

Docket Management System  
US Department of Transportation  
Room - Plaza 401  
400 – Seventh Street, SW  
Washington, DC 20591

**RE: DOCKET NO. FAA 2003-15085; NOTICE OF PROPOSED RULEMAKING,  
HAZARDOUS MATERIALS TRAINING REQUIREMENTS**

The National Air Transportation Association (NATA), the voice of aviation business, is the public policy group representing the interests of aviation businesses before Congress, federal agencies and state governments. NATA's 2,000 member companies own, operate and service aircraft. These companies provide for the needs of the traveling public by offering services and products to aircraft operators and others such as fuel sales, aircraft maintenance, parts sales, storage, rental, airline servicing, flight training, Part 135 on-demand air charter, fractional aircraft program management and scheduled commuter operations in smaller aircraft. NATA members are a vital link in the aviation industry providing services to the general public, airlines, general aviation, and the military.

Pursuant to 14 CFR §11.47, the membership of the National Air Transportation Association (NATA), hereby requests an extension of the comment period in the above referenced Docket for an additional 60 days. The Notice of Proposed Rulemaking (NPRM), published in the *Federal Register*, May 8, 2003, proposes amendments to 14 CFR Parts 119, 121, 135, and 145 related to Hazardous Material (HAZMAT) regulations. Comments on the NPRM must be received on or before July 7, 2003.

NATA believes there is good cause for the extension and that such an extension would be in the public interest. Although the NPRM appears straightforward and relatively uncomplicated, a closer look reveals a significant expansion to the existing regulatory requirements.

- The NPRM proposes to “add requirements for repair stations that would allow the FAA to increase its oversight of the training they are required to conduct under the DOT’s hazmat training requirements in 49 CFR Part 172.”
- The proposed rule imposes requirements on “will-not” carry operators that are only slightly less burdensome than those who make a living as “will-carry” operators.

- The proposed rule is intentionally “broad enough to cover not only those persons directly performing a Transportation Related Function (TRF), but also those persons supervising the performance of a TRF. Whether a person were officially assigned to perform a function would be irrelevant. This would ensure that the certificate holder identifies and trains each person who could reasonably be foreseen as performing or supervising a TRF, whether or not it is part of his or her job description” (emphasis added). This appears to be an overly broad definition that will make it difficult to identify which employees are subject to the rule and require training. Such broad, nonspecific regulation will pose compliance difficulties for small businesses and is likely to result in varied interpretations across FAA regions.
- The proposed rule will result in significant training and record-keeping costs. The proposed rule estimates over \$100 million in costs for our members for a 10-year period. We believe this figure grossly underestimates the true costs of the proposal, particularly for the small businesses that elect not to carry HAZMAT.
- Finally, NATA is concerned that the proposed regulations have failed to accurately envision the operating environment of Part 135 on-demand operators. The regulations fail to provide for the flexibility which is instrumental to the continued operation of the industry.

As the FAA is aware, the vast majority of the nearly 3,000 Part 135 certificate holders and many Part 145 repair stations are small businesses. Clearly, there are a large number of small businesses impacted by this proposed HAZMAT and it will have a very broad impact on each of our members.

The scope of this NPRM demands that more time be provided to analyze its full impact on industry and the businesses NATA represents. We feel that a moderate extension to the comment period will allow development of alternative regulations that will provide an equivalent level of safety while addressing the more burdensome aspects of the current proposal.

Accordingly, and to allow a more thorough review of the FAA’s economic and small business impact conclusions and preparation of alternative proposals, NATA formally requests an extension of the comment period for an additional 60 days.

NATA appreciates the opportunity to comment on these issues.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph Burnside", with a stylized flourish at the end.

Joseph E. (Jeb) Burnside  
Vice President